

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 19-50038

DAVID L. VALDIVIA,

Chapter 13

Debtor.

Judge Thomas J. Tucker

**ORDER DENYING FEE APPLICATION,
WITHOUT PREJUDICE, AS PREMATURE**

This case is before the Court on a fee application filed by the attorney for the Debtor on November 23, 2020, in a document entitled “Pre-Confirmation Fee Application of Attorney for the Debtor for Services Rendered From July 3, 2019 Through October 31, 2020” (Docket # 59, the “Application”). On December 15, 2020, the Chapter 13 Trustee filed an objection to the Application (Docket # 64).

The Court concludes that a hearing on the Application is not necessary. The Court will deny the Application, without prejudice as stated below, as premature. It is premature because no Chapter 13 plan has been confirmed yet. The case is currently scheduled for an adjourned confirmation hearing to be held on February 11, 2021. The Application does not demonstrate good cause for the Court to allow fees for the Debtor’s counsel at this time, when no Chapter 13 plan has been confirmed yet. *See generally* 11 U.S.C. § 1326(a)(2). Even if the Court approved a fee application for the Debtor’s counsel now, the Chapter 13 Trustee could not disburse any money to the Debtor’s counsel from funds on hand in payment of such fees at this time, under § 1326(a)(2).

Accordingly,

IT IS ORDERED that the fee application (Docket # 59) is denied.

IT IS FURTHER ORDERED that this Order is without prejudice to the right of the Debtor's counsel to file a new fee application, after one of the following events has occurred in this case: (1) a plan has been confirmed; (2) the case has been converted to Chapter 7; or (3) the case has been dismissed.

Signed on December 16, 2020



/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge